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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

R. SCOTT ERLEWINE (State Bar No. 095106)
MEAGAN MCKINLEY-BALL (State Bar No. 245375)
PHILLIPS, ERLEWINE & GIVEN LLP
One Embarcadero Center, Suite 2350
San Francisco, California 94111
Telephone: (415) 398-0900
Facsimile: (415) 398-0911

Attorneys for Plaintiff
NORCA INDUSTRIAL, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NORCA INDUSTRIAL, LLC, a New York
Limited Liability Company,

Plaintiff,

v.

ROBERT WREN, an individual; PRIMROSE
METALS, INC., a California corporation;
RICHARD RAYBIN, an individual; LIFETIME
CAPITAL GROUP, an unknown entity;
VICTORIA PICCOLOTTI, an individual;

Defendants.

CASE NO. C 07 3425 EDL

**PLAINTIFF NORCA
INDUSTRIAL INC.'S MOTION
AND EX PARTE APPLICATION
FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION
AND FOR LEAVE TO CONDUCT
EXPEDITED DISCOVERY**

Date: July 2, 2007
Time: 10:00 a.m.
Room: Clerk's Office, 16th Flr.

Plaintiff Norca Industrial Inc. ("Norca"), through its counsel, moves this Court pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65-1, for the entry of a Temporary Restraining Order and an Order to Show Cause Re Preliminary Injunction restraining and enjoining defendants Robert Wren, Primrose Metals, Inc., Richard Raybin, Lifetime Capital

PLAINTIFF NORCA'S EX PARTE APPLICATION FOR A TRO & OSC RE PRELIMINARY INJUNCTION & FOR AN ORDER GRANTING LEAVE TO CONDUCT EXPEDITED DISCOVERY - Case No. C 07 3425 EDL

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1 Group and Victoria Picolotti (collectively referred to as “defendants”) and each of them, and each
 2 of their agents, servants, employees, attorneys, entities working with defendants, and those in
 3 active concert and participation with them, including but not limited to Primrose Alloys, Inc.,
 4 from directly or indirectly:

- 5 a. contacting, obtaining quotes, contracting with, accepting deliveries from or
 6 doing business with Changwon (now “Posco Specialty Steel Co. Ltd.”) directly or
 7 through intermediaries;
- 8 b. disseminating, disclosing or using for any purpose plaintiff’s confidential
 9 and proprietary information and/or trade secrets including, but not limited to:
 - 10 i. Norca’s pricing information, pricing strategies, pricing formulation
 11 methods and profit margins;
 - 12 ii. Norca’s proprietary credit insurance program;
 - 13 iii. The list of manufacturing facilities used by Norca and the specific contact
 14 person at each; the identities of the intermediaries used by Norca to contact
 15 and negotiate with each such facility and the specific contact person for
 16 each; the credit, payment terms, shipping, insurance and other requirements
 17 demanded or accepted by each such facility; and Norca’s evaluation of the
 18 expertise, competence and reliability of each facility to manufacture
 19 particular types of products to specification in a timely fashion;
 - 20 iv. The list of Norca’s customers and the specific contact names for each, the
 21 product specifications and requirements for each and Norca’s working
 22 knowledge of the decision-making process for each customer;
 - 23 v. Norca’s proprietary software, which contains, among other things, Norca’s
 24 entire “trading package” with respect to the non-boiler tube business.
- 25 c. contacting or soliciting the companies on Norca’s confidential list of customers
 26 and suppliers;

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 28 PLAINTIFF NORCA’S EX PARTE APPLICATION FOR A TRO & OSC RE PRELIMINARY INJUNCTION & FOR AN ORDER
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- 1 d. representing that defendants, or any of them, have “replaced” Norca or
- 2 referring to Norca’s customers and/or suppliers as defendants’;
- 3 e. quoting, entering into or performing any contract derived from a request
- 4 for quote pre-dating defendant Wren’s termination;
- 5 f. using the telephone and facsimile numbers (650) 344-3291 and (650) 344-
- 6 9241 or representing that these numbers belong to defendants;
- 7 g. publishing any of the text appearing on www.NORCA.com or language
- 8 substantially identical thereto on any website, including but not limited to
- 9 www.primrosemetals.com, or in any of defendants’ advertisements or promotional
- 10 materials;
- 11 h. disposing of or destroying any documents, records, files, proposals,
- 12 invoices, bills, customer lists, contact lists, ledgers, computer files, computer discs,
- 13 correspondence or other information sources, which contain or may contain any of
- 14 defendants’ information regarding solicitation or servicing of Norca’s customers or
- 15 suppliers or any of Norca’s confidential and proprietary information and/or trade
- 16 secrets set forth in subsection (b) above or defendants’ use or dissemination
- 17 thereof.

18 Norca also requests that this Court continue the Temporary Restraining Order in full force
19 and effect through and including a hearing before this Court on Norca’s request for entry of a
20 preliminary injunction, and set such a hearing at a date convenient for the Court.

21 Finally, Norca requests that this Court grant Norca leave to commence discovery
22 immediately in preparation for the preliminary injunction hearing and to conduct depositions of
23 defendants and Primrose Alloys, Inc., on five court days’ notice, to propound written discovery
24 upon defendants requesting written responses and the production of documents within five court
25 days after service of the request, and to serve a subpoena directed to Primrose Alloys, Inc.
26 requesting written responses and the production of documents within five court days.

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28 **PLAINTIFF NORCA’S EX PARTE APPLICATION FOR A TRO & OSC RE PRELIMINARY INJUNCTION & FOR AN ORDER
GRANTING LEAVE TO CONDUCT EXPEDITED DISCOVERY - Case No. C 07 3425 EDL**
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1 This application is based on this Application, the memorandum of points and authorities,
2 declarations of Selim Bahar, Robert Blumenkrantz and Counsel and exhibits thereto submitted
3 herewith, the Complaint and such arguments that may be presented at a hearing on this matter.
4

5 DATED: July 2, 2007

PHILLIPS, ERLEWINE & GIVEN LLP

By: 

R. SCOTT ERLEWINE
Attorneys for Plaintiff

28 PLAINTIFF NORCA'S EX PARTE APPLICATION FOR A TRO & OSC RE PRELIMINARY INJUNCTION & FOR AN ORDER
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